

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DAVID PORTNOY,

Plaintiff,

v.

INSIDER, INC., HENRY BLODGET, NICHOLAS  
CARLSON, JULIA BLACK, and MELKORKA LICEA,

Defendants.

Case No. 1:22-cv-10197

**DEFENDANTS' MOTION FOR LEAVE TO FILE REPLY MEMORANDUM  
IN FURTHER SUPPORT OF ITS MOTION TO DISMISS THE COMPLAINT**

Pursuant to Local Rule 7.1(b)(3), Defendants Insider, Inc., Henry Blodget, Nicholas Carlson, Julia Black, and Melkorka Licea (collectively the “Defendants”) hereby respectfully seek leave to file a reply memorandum to Plaintiff’s Opposition to its Motion to Dismiss the Complaint, of 12 pages in length on or before June 17, 2022.

Defendants have good cause to file a reply memorandum because Plaintiff’s Opposition to Defendants’ Motion to Dismiss addresses complex and weighty legal issues pertaining to the First Amendment right to report on matters of vital public importance. Under these circumstances, a reply memorandum of law will help this Court by (1) clarifying arguments previously made in Defendants’ Memorandum of Law in Support of its Motion to Dismiss, and (2) responding to new arguments raised by Plaintiff in his Opposition. *See e.g., Echavarria v. Roach*, No. 16-CV-11118-ADB, 2021 WL 4480771, at \*17 (D. Mass. Sept. 30, 2021) (“[A] party may use a reply brief to clarify arguments previously made or to respond to an argument an opposing party raises in an opposition.”) (internal citations and quotations omitted).

WHEREFORE, Defendants respectfully request leave to file their reply memorandum of law of 12 pages in length on or before June 17, 2022. Plaintiff’s counsel does not object to the proposed filing date, but reserves the right to object to Defendants’ filing any reply.

Dated: June 1, 2022

Respectfully submitted,

DAVIS WRIGHT TREMAINE LLP

/s/ Elizabeth A. McNamara

Elizabeth A. McNamara (admitted *pro hac vice*)

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**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

I hereby certify that on April 6, 2022 Elizabeth A. McNamara, counsel for Defendants, conferred with Howard Cooper, counsel for the Plaintiff, in a good faith attempt to request their assent to this motion.

/s/ Elizabeth A. McNamara  
Elizabeth A. McNamara

**CERTIFICATE OF SERVICE**

I hereby certify that the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

/s/ Elizabeth A. McNamara  
Elizabeth A. McNamara

Dated: June 1, 2022